UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,512	12/05/2001	Alp Burak	TRCHP0114US	2295

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EXAMINER
BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/007,512	BURAK ET AL.
	Examiner	Art Unit	
	Douglas B. Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _19 July 2005_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-21_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Claims 1-21 are currently pending in this application. The 112 rejection of claim 18 has been overcome by the applicant's amendment.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-2, 5, 7-13 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,408,282 to Buist.

4.   As to claims 1 and 11, Buist teaches a computer software charting module for installation on a user's computer and method for enabling a user to view real-time financial charting information on-line, the module enabling the user's computer to: receive real-time financial data as substantially continuous stream through an open connection via a computer network (col. 36, lines 34-44); generate a graph of said real-time financial data (col. 15, line 27-col. 16, line 11); update said graph based on new real-time financial data transmitted via the computer network (col. 15, line 27-col. 16, line 11); and display said graph on the user's computer screen whereby, in use, the user is able to readily observe changes in said real-time financial data substantially as they occur in a dynamic charting format (col. 15, line 27-col. 16, line 11).

5.   As to claim 2, Buist teaches a method of providing a user with real-time financial

charting information on-line as defined in claim 1, wherein said real-time financial data is

transmitted via the world wide web using HTTP protocol (col. 36, lines 34-44).

6.   As to claims 5 and 12, Buist teaches a computer software charting module wherein the

module enables the user's computer to: receive historical financial data; and generate said graph

using said historical financial data as well as said real-time financial data (col. 15, line 27-col.

16, line 11).

7.   As to claim 7, Buist teaches a method comprising the step of installing a computer

software charting module on the user's computer for generating a graph (col. 15, line 27-col. 16,

line 11).

8.   As to claim 8, Buist teaches the charting module activated by a browser (col. 36, lines 34-

44).

9.   As to claim 9, Buist teaches the use of a Java applet (col. 36, lines 34-44).

10.   As to claim 10, Buist teaches the use of a Stock Exchange with real-time values (col. 15,

line 27-col. 16, line 11).

11.   As to claim 13, Buist teaches a computer software charting module as defined in claim

12, wherein the module further enables the user's computer to store said historical data and real-

time financial data locally (col. 15, line 27-col. 16, line 11).

12.   As to claim 18, Buist teaches a computer software-charting module as defined in claim

15, wherein the module calculates and plots graphs (col. 15, line 27-col. 16, line 11).

13.   As to claim 19, Buist teaches a computer a computer software charting module as defined

in claim 15, wherein the module provides dynamic visual cues while the graph is being generated

to notify the user of specific events and important information (col. 15, line 27-col. 16, line 11).

14.   As to claim 20, Buist teaches a computer a computer software charting module as defined

in claim 15, wherein the module enables highlighting points based on the position of the user's

cursor (col. 15, line 27-col. 16, line 11).

15.   As to claim 21, Buist teaches a computer-readable storage medium having a computer

software charting module as defined in claim 11 (col. 15, line 27-col. 16, line 11).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

17.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Number 6,408,282 to Buist in view of RFC 2068, HTTP v1.1.

18.   As to claim 3, Buist teaches the method of claim 2, however; Buist does not teach

streaming by not specifying a content-length header in the HTTP response packet.

        HTTP v1.1 teaches streaming by not specifying a content-length header in the HTTP

response packet (pages 23-24 and 31-32, see chunked transfers).

        It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Buist regarding the display of financial data

with the teachings of HTTP v1.1 regarding streaming by not specifying a content-length header

in the HTTP response packet because Buist uses HTTP (Buist, col. 36, lines 34-44).

19.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Number 6,408,282 to Buist in view of U.S. Patent Number 6,260,083 to Moore et al..

20.   As to claim 4, Buist teaches the method of claim 2, however; Buist does not teach

streaming by specifying a large content-length header in the HTTP response packet.

Moore teaches streaming by specifying a large content-length header in the HTTP

response packet (col. 5, lines 43-62).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Buist regarding the display of financial data

with the teachings of Moore regarding streaming by specifying a large content-length header in

the HTTP response packet because establishing new connections is inefficient (Moore, col. 2,

lines 42-65).

21.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Number 6,408,282 to Buist in view of U.S. Patent Number 6,345,307 to Booth.

22.   As to claim 6, Buist teaches the method of claim 5, however; Buist does not teach

compressing the data.

Booth teaches compressing data (col. 10, lines 4-19).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Buist regarding the display of financial data

with the teachings of Booth regarding compression because compression reduces bandwidth use.

23.   Claims 14-17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Number 6,408,282 to Buist in view of U.S. Patent Number 5,339,392 to Risberg.

24.   As to claim 14, Buist teaches the method of claim 13; however Buist does not explicitly

teach rescaling the axes automatically.

Risberg teaches automatic rescaling (col. 15, lines 20-24).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Buist regarding the display of financial data

with the teachings of Risberg regarding zooming with a rectangle because automatic rescaling

allows a user to see an entire graph without any unnecessary interaction.

25.   As to claim 15, Buist teaches a computer software charting module as defined in claim

14, wherein the x-axis of the graph represents time, and the y-axis represents real-time stock

market pricing information relating to specified stock obtained from the Stock Exchange or other

source whereby, in use, said graph provides real-time intra-day charting of movements in stock

price (col. 15, line 27-col. 16, line 11).

26.   As to claim 16, Risberg teaches a computer software-charting module as defined in claim

15, wherein the module re-scales the x-axis according to the time of day such that the graph

extends to the full extent of the graph area (col. 15, line 20-24).

27.   As to claim 17, Buist teaches the method of claim 13; however Buist does not explicitly

teach zooming with a rectangle.

Risberg teaches zooming with a rectangle (col. 15, lines 29-43).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Buist regarding the display of financial data

with the teachings of Risberg regarding zooming with a rectangle because a rectangle is a convenient way to zoom in on things.

Response to Arguments

28.   Applicant's arguments filed 7/19/2005 have been fully considered but they are not persuasive. The applicant argues the following points: a) Although Buist touches on real-time charting as a supplementary feature, the reference fails to disclose sufficient enabling disclosure to suggest to one having ordinary skill in the art that the present invention is anticipated by its teachings; b) Buist does not teach scaling of both axes automatically; c) Buist does not teach rescaling the x-axes for the time of day; and d) Buist does not teach claim 19.

29.   As to point a), Buist shows sending and receiving real-time financial charting data as a substantially continuous stream through an open connection (col. 15, line 27-col. 16, line 11, Buist is sending real-time data over the internet, an open connection). Buist does not have to go into exacting detail about how the real-time data is sent because methods of sending real-time data were well known at the time of Buist's invention (See U.S. Patent Number 5,045,848, filed in 1984, for example.).

30.   As to points b) and c), the arguments are moot in view of the new grounds of rejection necessitated by the applicant's amendment.

31.   As to point d), Iin response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., color coded visual cues) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

32.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

33.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The

examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER